

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 3:12-CR-0312
	:	
v.	:	(Judge Conaboy)
	:	
DAYWAN HURST	:	(Magistrate Judge Blewitt)
	:	
Defendant	:	

REPORT AND RECOMMENDATION

The Defendant appeared before the undersigned on January 23, 2013, and entered a plea of guilty to the Information (Doc. 1).¹ The Court conducted a full colloquy with the Defendant on the record and has determined the following:

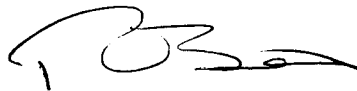
1. That the Defendant is fully competent and capable of entering an informed plea;
2. That the Defendant is aware of the nature of the charges and the consequences of the plea;
3. That the plea of guilty is a knowing and voluntary plea;
4. That the plea is supported by an independent basis in fact containing each of the essential elements of the offense.

FILED
SCRANTON
JAN 24 2013
PER MS
DEPUTY CLERK

¹On January 8, 2013, the District Court referred this case to the undersigned for purposes of accepting Defendant's guilty plea. (Doc. 1).

On the basis of the foregoing, it is recommended that the Court enter an Order adjudging the Defendant guilty of the offense of knowingly and intentionally assaulting another person with a dangerous weapon, with intent to do bodily harm and without just cause or excuse, at a place within the territorial jurisdiction of the United States, namely, the United States Penitentiary at Canaan, Pennsylvania, in violation of Title 18, United States Code, Sections 7(3) and 113(a)(3).

By a separate Pre-Sentence Order dated January 23, 2013, a presentence investigation was ordered with disclosure of the presentence report to the parties on or before March 20, 2013.



THOMAS M. BLEWITT
United States Magistrate Judge

Dated: January 24, 2013

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DAYWAN HURST,	:	(Magistrate Judge Blewitt)
	:	
Defendant	:	

NOTICE

NOTICE IS HEREBY GIVEN that the undersigned has entered the foregoing
Report and Recommendation dated January 4, 2013.

Any party may obtain a review of the Report and Recommendation pursuant to
Rule 72.3, which provides:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the

magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

s/ Thomas M. Blewitt
THOMAS M. BLEWITT
United States Magistrate Judge

Dated: January 24, 2013